

REMARKS

Claims 1-21 are currently pending in this application. Claims 1-21 are rejected. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1-3, 5-11, 13-19, and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art found in the U.S. Patent Application Publication No. 2005/0114568 A1 of the instant application no. 10/722,914 (AAPA) in view of U.S. Patent Publication No. 2008/0180701 (Nakagiri). Claims 4, 12, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of U.S. Patent Application Publication No. 2002/0063880 (Raney). Applicant respectfully traverses these rejections for at least the reasons set forth hereafter.

Claim 1 recites a method for managing outputs to peripheral devices in medical systems devices, wherein the method comprises "providing an instruction to control a peripheral device; creating a data object based on the instruction; storing the data object in a second memory to be output to the peripheral device, wherein the second memory is not a component of the peripheral device; and storing the data object in a first memory if the peripheral device is not accessible and not available to accept the data object, wherein the first memory stores the data object for a longer time period than the second memory."

Neither AAPA nor Nakagiri, considered alone or in combination, describe the method as recited in claim 1. For example, neither AAPA nor Nakagiri, considered alone or in combination, describe storing a data object in a second memory to be output to a peripheral device, and storing the data object in a first memory if the peripheral device is not accessible and not available to accept the data object. Moreover, and for example, neither AAPA nor Nakagiri, considered alone or in combination, describe a first memory that stores the data object for a longer time period than a second memory.

With respect to AAPA, the outstanding Final Office Action asserts that AAPA describes “storing the data object in a first memory [the built in removable media used to transfer data - thus being non volatile - paragraph 3] if the peripheral device [paragraph 3] is not accessible (claims 1 and 17), not active (claim 9) [paragraph 3] and not available to accept the data object [paragraph 3].” (See Page 2 of the outstanding Final Office Action). However, AAPA merely describes that “if the peripheral devices are not immediately available (e.g., portable devices without peripherals), information cannot be output from the device until the operator connects the peripheral devices to the ultrasound imaging system and provides instructions for outputting the information.” AAPA does not describe storing the data object in one memory to be output to the peripheral device (if the peripheral device is accessible and available), and storing the data object in a different memory if the peripheral device is not accessible and not available. Rather, AAPA merely describes that the data object cannot be output from the portable device until the peripheral device is connected thereto. Nowhere does AAPA describe two different memories for storing the data object depending on whether the peripheral device is accessible and available.

Nakagiri also does not describe storing the data object in one memory to be output to the peripheral device (if the peripheral device is accessible and available), and storing the data object in a different memory if the peripheral device is not accessible and not available. Rather, Nakagiri merely describes a RAM 102 for outputting data related to a print process to a printer. Nowhere does Nakagiri describe two different memories for storing the data object depending on whether the peripheral device is accessible and available. Because AAPA and Nakagiri each individually fail to describe one or more elements of claim 1, it follows that a combination of AAPA and Nakagiri cannot describe such elements.

Moreover, a combination of AAPA and Nakagiri also does not describe two different memories for storing the data object depending on whether the peripheral device is accessible and available. The outstanding Final Office Action seems to be asserting that the RAM 102 of Nakagiri is the claimed second memory, and that the “built-in removable media” of paragraph

[0003] of AAPA is the claimed first memory. Applicant respectfully disagrees and submits that both the RAM 102 of Nakagiri and the built-in removable media of AAPA are similar to the second memory recited in claim 1. However, assuming arguendo that the RAM 102 of Nakagiri is a second memory for outputting a data object to a peripheral device and the built-in removable media of AAPA is a different memory, there is nothing in either AAPA or Nakagiri that describes storing the data object in the built-in removable media, instead of the RAM 102, if the peripheral device is not accessible and not available to accept the data object. AAPA merely describes that the data object cannot be output from the portable device until the peripheral device is connected thereto. Nakagiri merely describes the RAM 102 for outputting the data object to a printer. Nowhere does Nakagiri even describe a situation where the printer is not accessible and not available to accept the data object, much less any other memory than the RAM 102 that would store the data object when the printer is not accessible and not available. Rather, Nakagiri describes that the printer is connected to the host computer containing the RAM 102 either directly or using a network. (See paragraph [0065] of Nakagiri).

Further, there is nothing in either AAPA or Nakagiri that describes storing the data object in one memory for a longer time period than a different memory, as is also recited in claim 1. On page 2, the outstanding Final Office Action admits that AAPA does not describe “wherein the first memory stores the data object for a longer term than a second memory.” There is nothing in Nakagiri that describes storing the data object in one memory for a longer time period than a different memory. Nakagiri does not even describe storing the data object in a different memory than RAM 102, much less storing the data object in the other memory for a longer time period than the RAM 102. The outstanding Final Office Action has not provided any specific basis within AAPA or Nakagiri that suggests storing the data object in one memory for a longer time period than a different memory. Accordingly, the outstanding Final Office Action’s conclusion that the combination of AAPA and Nakagiri describes storing the data object in one memory for a longer time period than a different memory appears to be based on improper hindsight construction.

For at least the reasons set forth above, claim 1 is submitted to be patentable over AAPA in view of Nakagiri.

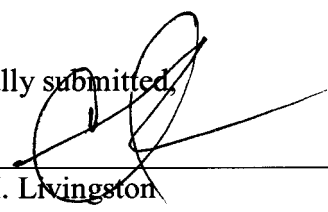
Raney does not make up for the deficiencies of AAPA and Nakagiri at least with respect to independent claim 1. For at least the reasons set forth above, claim 1 is submitted as patentable over the cited references.

Independent claims 9 and 17 are submitted to be patentable over the cited references for at least the reasons set forth above with respect to claim 1.

Turning to the dependent claims, Applicant submits that claims 2-8, 10-16, and 18-21 recite additional features that are not anticipated nor rendered obvious by the cited references. Additionally, claims 2-8, 10-16, and 18-21 depend from independent claims 1, 9, and 17, respectively. Because claims 1, 9, and 17 each recite allowable subject matter, claims 2-8, 10-16, 21, and 18-20 also each recite allowable subject matter.

In view of the foregoing amendments and remarks, it is respectfully submitted that the cited references neither anticipate nor render obvious the claimed invention and all of the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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